

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

Waldir DaCosta,

Plaintiff,

v.

MICHAEL CHERTOFF, et al.,

Defendants.

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) C.A. No. 05-11063-RGS
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**DEFENDANTS' MOTION TO EXTEND TIME
IN WHICH TO RESPOND TO COMPLAINT**

Now come the above-captioned Defendants¹ and hereby move this Court for an extension of time **up to and including October 31, 2005**, to answer or otherwise respond to Plaintiff's Complaint. As reasons therefor, the undersigned counsel for Defendants asserts that such an extension will allow the Assistant U.S. Attorney the additional time to obtain relevant facts and background information of this matter from the relevant agency (Department of Homeland Security).

WHEREFORE, Defendants respectfully request that this Court allows their motion for an extension of time **up to and including**

¹ This motion is not intended to be a responsive pleading. By the filing of this motion, Defendants are not waiving any of the procedural, affirmative, or other waivable and non-waivable defenses available to them in the normal course of filing a responsive pleading. Defendants intend to raise those defenses when it answers or otherwise responds to the Complaint.

October 31, 2005, to answer or otherwise respond to the Complaint.

Respectfully submitted,

MICHAEL J. SULLIVAN
United States Attorney

By: /s/ Michael P. Sady
Michael P. Sady
Assistant U.S. Attorney
John Joseph Moakley U.S. Courthouse
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Boston, MA 02210
(617) 748-3100

Dated: September 30, 2005

CERTIFICATE OF SERVICE

I certify that on September 30, 2005, I caused a copy of the foregoing Motion to be served by first class mail, postage pre-paid to Plaintiff's counsel of record Susan E. Zack, Law Office of John K. Dvorak, P.O. Box 8788, Boston, MA 02114

/s/ Michael Sady
Michael Sady
Assistant U.S. Attorney

CERTIFICATION OF COMPLIANCE WITH LOCAL RULE 7.1

Pursuant to Local Rule 7.1, the undersigned counsel certifies that on September 30, 2005, he contacted Plaintiff's counsel and informed her of the relief requested by this motion.

/s/ Michael Sady
Michael Sady
Assistant U.S. Attorney